

Appl. No. 09/711,945
Amdt. Dated September 9, 2004
Reply to Final Office Action of July 19, 2004

REMARKS

The Listing of Claims is included as a courtesy to provide a clean version of the pending claims including entry of the amendments presented in the prior response of June 23, 2004. No amendments are made with this Amendment.

Claims 1, 3, and 5-21 remain for consideration by the Examiner.

Claim Rejections Under 35 U.S.C. §102

In the Office Action of July 19, 2004, claims 1, 3, and 5-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication US 2002/0128955 ("Brady"). The Office Action stated that the claims were rejected for the reasons provided in the previous Office Action, and in the Response to Arguments, reasons for retaining the rejection were presented. Applicant traverses the rejections of claims 1, 3, and 5-21 based on the following remarks.

As noted in the prior Amendments and in Applicants' specification at page 2, lines 16-22, a number of systems offer organizations the ability to use request for transaction services. In contrast, developing new transaction frameworks for these services was infeasible or prohibitively complex and expensive prior to the present, claimed invention. The ability to develop new transaction frameworks (and to modify existing frameworks) is important as it allows an organization to correct inefficiencies that occur during transactions as well as to accommodate new conditions in a market or to create request for transaction frameworks for new markets. These concepts are not suggested or addressed by Brady.

As amended, claim 1 is directed to a system for developing and using a request for transaction framework. The system comprises a framework engine configured to enable a market maker to develop a request for transaction (RFT) framework for a market. The framework engine "creates

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the request for transaction framework for the particular market based on attribute parameters selected and defined by the market maker." In the Response to Arguments, the Office Action states that Brady teaches selecting and defining parameters at page 4, paragraphs 0038-0040. However, at this citation and elsewhere, Brady only teaches defining values for the attribute parameters and fails to teach selecting the parameters. For example, a market maker according to Brady can set a value of the "N and W parameters" but cannot add or "select" new parameters such as an X, Y, or Z parameter as called for in claim 1.

In other words, if the teaching of Brady was found to teach this feature of claim 1, the limitations "select and" would be impermissibly read out of claim 1. Claim language must be interpreted such that each limitation has meaning and is not redundant, and the limitations "select" and "define" must be construed as having distinct meanings. Since Brady only teaches defining a value for a particular preset value, this reference does not teach each and every limitation of claim 1, i.e., fails to teach both selecting AND defining the attributes but instead only allows a market maker to vary values for predetermined parameters. Hence, Brady fails to teach a framework engine the generates a request for transaction framework for a market "based on attribute parameters" that are selected and defined by a framework developer.

Additionally, the system of claim 1 calls for a request for transaction engine that is configured to manage requests for transactions in which the "request comprises structured attribute information relating to the resource requirement, the structured attribute information being defined by the market maker using the framework engine." Brady fails to teach that a developer can dictate the form of requests for transactions by defining structured attribute information via a framework engine. For at least these reasons, the system of claim 1 is not shown or suggested by Brady.

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More particularly, the Response to Arguments cites Brady at page 4, paragraphs 0038-40 for teaching the framework engine of claim 1 and paragraph 0044 and Figures 4A-4C. At these citations, Brady there is no discussion of the market makers being able to select and define attribute parameters that are in turn used by a framework engine to create a request for transaction framework. Brady, for example, in paragraph 0044 and Figures 4A-4C allows a market maker to "control" parameters in a screen by setting ranges or values for the parameters. However, these parameter values are NOT structured attribute information that is being defined by the market maker, and there is no teaching that the market maker is able to define structured information via the framework engine to define information contained in a request. Brady teaches that a derivatives market maker can control the trading by declining a submitted quote or changing a quote. There is no discussion of the Brady market maker being able to control information in a "request for transaction" input by a third party or organization by defining structured attribute information. Because this additional element of claim 1 is not shown or suggested by Brady, claim 1 is allowable over this reference.

Claims 3 and 5-9 depend from claim 1 and are believed allowable at least for the reasons for allowing claim 1. Additionally, claim 6 calls for an analysis engine that enables providers to perform an analysis framework on a plurality of requests "based on an extensible number of attributes." Further, the analysis framework is determined by the market maker using the framework engine. Hence, a market maker is able to determine what analysis framework is available to providers for analyzing received requests. Additionally, the providers can analyze the requests using such a framework with attributes that can be extended in number. Brady fails to teach each element of claim 6. The Response to Arguments points to page 5, paragraphs 0053-00 56 of Brady but the Examiner admits that all Brady teaches is setting a price. This is very different from extending the number of parameters, i.e., adding a parameter in addition to price not already in the set of parameters. In other words, Brady teaches a static parameter set whose

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values can be selected but the number of parameters in the set cannot be extended. Hence, the rejection of claim 6 based on Brady is not supported.

Claim 8 provides a similar feature for analyzing responses to the requests. This feature is also not shown by Brady (with the Office Action citing the same paragraphs as it did for claim 6). For this additional reason, claim 8 is allowable over the teaching of Brady.

Independent claim 12 is directed to a method with limitations similar, but in different form, to that of claim 1. Hence, the reasons provided for allowing claim 1 over Brady are believed equally applicable to claim 12. Further, claim 12 includes an analyzing step similar to that provided by the system of claim 8, and the reasons for allowing claim 8 are applicable to claim 12. Specifically, Brady fails to teach analyzing a plurality of responses based on a set of attributes that are "extensible by the user." As noted in the last response:

"Nothing in Brady teaches that a user can expand or add new attributes for its calculations but merely that calculation values/parameters can be set by a market maker. Further, claim 12 calls for a request for transaction framework to be developed, with such development to include establishing a set of relevant attributes "selected from a set of existing market attributes based on input from a market maker." Nothing in Brady teaches that a market maker can provide input that will vary which attributes are included in a request for transaction framework. Hence, Brady fails to teach or suggest each and every element of the method of claim 12, and claim 12 is allowable over Brady."

The Response to Arguments argues that a market maker in Brady is able "to change parameters such as price, quantity, and buy/sell" and the subscriber as well as the market maker can "influence the parameters." The term "extensible" does not mean setting a value for a preset parameter.

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Setting a value may influence that predetermined parameter, but this teaching of Brady does not show extending the set of attributes. "Extensible" has a dictionary or likely ordinary meaning of "capable of being extended." Nothing in Brady even hints that it would be desirable to allow a market maker to increase the number of parameters or how such extension of the set could be performed. Hence, Brady does not teach an analysis engine that enables providers to perform an analysis framework on a plurality of requests "based on an extensible number of attributes." Brady does not, therefore, anticipate claim 12, and this rejection should be withdrawn.

Claims 13 and 14 depend from claim 12 and are believed allowable as depending from an allowable base claim. Further, claim 14 is allowable for the reasons for allowing claim 6 was it allows analyzing of pending requests based on "an extensible number of user-selectable attributes." Brady fails to teach that a user can choose the number of analysis attributes or select such attributes for analyzing requests.

Independent claim 15 is directed to a method for developing an online request for transaction market that includes selecting relevant existing attributes, "creating new attributes", selecting an analysis framework, and developing a request for transaction based on the existing attributes AND on the newly-created attributes and selected analysis framework. Brady is cited at Figures 3D, 3E, and 4A and at pages 3-4, paragraphs 0033-0034 and 0037. However, Brady fails to teach creating new attributes and selecting an analysis framework, and therefore, cannot teach developing the request for transaction based on the new attributes and the analysis framework. Clearly, the cited quote entry screens do not teach creating new attributes or developing an online request for transaction based on an analysis framework. Brady fails to anticipate each feature of claim 15, and the rejection under 102(e) is improper and should be withdrawn. The Response to Arguments argues by teaching setting a value for a parameter that Brady teaches "creating" the parameter. However, claim 15 calls for "creating new attributes"

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and not merely setting values for existing attributes. Applicant believes this is a patentable distinction, and claim 15 is in condition for allowance.

Claims 16-18 and 20 depend from claim 15 and are believed allowable at least for the reasons for allowing claim 15. Additionally, claims 16-18 detail how a new attribute is created. Since Brady fails to teach creating a new attribute, the reference also fails to teach the technique called for in claims 16-18. For this additional reason, claims 16-18 are allowable over Brady.

Claim 21 is directed to a system with mean-plus-function limitations similar to those of claim 1. Hence, claim 21 is believed allowable over Brady for the reasons provided for allowing claim 1.

Rejection of Claims Under 35 U.S.C. §103

Additionally, in the prior Office Action, claims 10, 11, and 19 were rejected under 35 U.S.C. § 103(a) over Brady. This rejection is respectfully traversed. Claims 10, 11, and 19 depend from claims 1 and 15 and are believed allowable as depending from an allowable base claim.

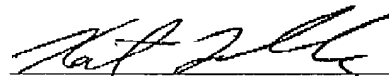
Conclusion

In view of all of the above, the pending claims are believed to be allowable and the case in condition for allowance.

No fees are believed to be required with this Response but should any be required, please charge Deposit Account 50-1123.

Respectfully submitted,

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